

**Senate Committee on Agriculture, Nutrition & Forestry**  
Hearing on Hemp Production and the 2018 Farm Bill  
July 25, 2019  
Questions for the Record  
**Assistant Administrator Alexandra Dapolito Dunn**

**Ranking Member Debbie Stabenow**

- 1) Your written testimony indicates that EPA began receiving registration applications for pesticides to be applied to hemp in May of this year, and that there are now 10 such requests pending at EPA. Acknowledging that there are very important statutory and regulatory requirements that the agency needs to comply with to protect human health and the environment, and that these steps can take time, can you please give the committee your best estimate as to when we'll see approved crop protection tools for hemp farmers?

**Response:** We anticipate taking next steps in the coming months to complete a regulatory decision on each of those actions by the end of 2019.

**Senator David Perdue**

- 1) Has EPA approved a label for any restricted use pesticide for hemp?
  - a. Is EPA currently considering any applications for such a product? If so, how many?

**Response:** The Environmental Protection Agency (EPA) has not approved and is not currently considering any applications for restricted-use pesticides for hemp.

- 2) Does EPA anticipate using the same protocols for establishing future pesticide tolerances for hemp as they would for any other agronomic or food crop?

**Response:** The EPA will review any pesticide registration application on its merits and in accordance with the pesticide laws and their implementing regulations. Additionally, the EPA and the Inter-regional Research Project #4 (IR-4) are working together to identify the information needed to support tolerance petitions for hemp for conventional pesticides. The EPA and IR-4 met in August 2019 and discussed how to apply these criteria to hemp. We also discussed alternate approaches, including the use of surrogate data from similar crops. We plan to continue to meet with IR-4 to address these issues.

- 3) Will all risk procedures be followed? Can EPA assure members of this committee that regulators will not relax these procedures simply because of the novelty of this new crop?

**Response:** The EPA is reviewing applications for use on hemp as we would any other application.

The EPA has received requests for labeling amendments to add hemp as a use site to existing products that have established tolerance exemptions. The products have very low toxicity and do not require updates to the human and ecological risk assessments. In the future, if the EPA receives requests under the Pesticide Registration Improvement Act (PRIA) for products that require a more extensive evaluation, the EPA will ensure that any new uses will meet the safety standards as defined for new registrations in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and for pesticide tolerances on foods (such as hemp seed) in the Federal Food, Drug, and Cosmetic Act (FFDCA).

- 4) How long do you expect the approval process to be for a hemp-approved pesticide? Is this time period standard for any other crop?

**Response:** The time period is the same as it would be for any other new use.

The length of time for approving a new use on any crop varies, but is generally defined by PRIA and depends on the extent of review needed. Some applications, however, such as the 10 amendments currently undergoing EPA review, do not fall under PRIA because they have an existing tolerance exemption. If the risk profile lends itself to an expedited review, we will do so, as we would for any pesticide registration application. Information on the length of time for reviews may be found at <https://www.epa.gov/pria-fees/fy-2019-fee-schedule-registration-applications>.

### **Senator Deb Fischer**

- 1) We have towns that are concerned about materials that might be released from hemp storage areas or processing facilities.
  - a. Will any guidance be provided for processor and/or growers regarding effluents or other waste materials?

**Response:** Existing regulations on waste management from pesticide products would apply to any registration we approve. Pesticide labels typically have disposal instructions related to the pesticide product. The EPA has no current plans to issue guidance on hemp processing effluent. If hemp processing involves a process wastewater discharge, then the permitting authority would implement the appropriate National Pollutant Discharge Elimination System (NPDES) permitting process. Hemp processing could fall under Category Eleven (xi) – light manufacturing – for industrial stormwater. If storage or other activities were exposed to precipitation and there were stormwater discharges to waters of the U.S., then industrial stormwater permit coverage could be appropriate.

**Senator Michael Bennet**

- 1) One of the biggest barriers to hemp production is the lack of EPA-approved pesticides and herbicides. Colorado hemp farmers would like EPA to work quickly to identify products that can be applied to their crops safely.

- a. What steps is the EPA taking to approve hemp pesticides and herbicides quickly?

**Response:** The EPA is working on a variety of approaches so that we can quickly approve crop protection tools for hemp growers. The EPA is encouraging the submission of requests for products that have a favorable risk profile and therefore have a much shorter review period under PRIA. With respect to potential use of conventional pesticides that require a more extensive evaluation of risk, the EPA is working with states, registrants, and our federal partners to learn more about pest concerns, how and where hemp is grown, and how it is processed, so that we can quickly assess requests while still ensuring that the products meet the applicable regulatory standards.

- b. What steps is the EPA taking to expedite hemp research protocols to update test guidance documents and determine what type of data may still be required?

**Response:** Current test guidelines do not need to be updated to address hemp. EPA test guidelines already outline the criteria for the types of tests needed for determining how people could be exposed to pesticide residues in hemp products. The EPA and IR-4 are working together to identify the information needed to support tolerance petitions for hemp for conventional pesticides. The EPA and IR-4 held a technical working group meeting in August 2019, and discussed how to apply these criteria to hemp. We also discussed alternate approaches, including the use of surrogate data from similar crops. The EPA and IR-4 plan to continue to meet to address these issues.

- c. Will you work with the state of Colorado in the registration process to identify and approve much needed tools to address pest issues that hemp growers are facing?

**Response:** The EPA will continue to collaborate with the states, including Colorado, on these issues. The EPA had a call with IR-4, the state of Colorado, and other states in July 2019, to discuss these issues, and additional discussions are anticipated.